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31. The CIA's Prisoners

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FOR DECADES the United States led the denunciation of despots whose enemies "disappear" -- vanish into official custody, with no accounting for their whereabouts or treatment, no notification of their families and sometimes, no acknowledgement that they are being held. Now that same term is being applied to prisoners held by the Bush administration in the war on terrorism. According to the International Red Cross, a number of people apparently in U.S. custody are unaccounted for. Most are believed to be held by the CIA in secret facilities outside the United States. Contrary to the Geneva Conventions, the detainees have never been visited by the Red Cross; contrary to U.S. and international law, some reportedly have been subjected to interrogation techniques that most legal authorities regard as torture. According to the independent group Human Rights Watch, this exceptional practice is "perhaps unprecedented in U.S. history." Like the Pentagon's mishandling of Iraqi detainees, it cries out for congressional review and reform.

At least a dozen of the CIA detainees are senior figures in the al Qaeda organization, such as Khalid Sheikh Mohammed, an alleged organizer of the attacks of Sept. 11, 2001, and Abu Zubaida, the group's operations chief. Few question their status as dangerous enemy combatants or the need to interrogate them about al Qaeda's networks and plans for attacks -- and no one suggests that they have been murdered, like many of the "disappeared" in other countries. But some of these men have been held incommunicado since before April 2002, or long past the time when urgent questioning or strict seclusion might have been necessary. Yet still the administration refuses to reveal where they are or allow visits by the Red Cross -- something the United States often has advocated for prisoners elsewhere in the world, including other terrorists. The White House reportedly has exempted from the reviews that have been granted to detainees held at the Guantanamo Bay, Cuba, prison. And it has not disclosed the interrogation techniques approved for use by the CIA, though it has released those for Guantanamo.

What is known, mostly through leaks to the media, is that several of the CIA's detainees probably have been tortured -- and that a controversial Justice Department opinion defending such abuse was written after the fact to justify the activity. According to reports in The Post, pain medication for Abu Zubaida, who suffered from a gunshot wound in the groin, was manipulated to obtain his cooperation, while Khalid Sheikh Mohammed was subjected to "water boarding," which causes the sensation of drowning. Notwithstanding the Justice Department opinion, parts of which recently were repudiated by the White House, U.S. personnel responsible for such treatment may be guilty of violating the international Convention Against Torture and U.S. laws related to it.

Nor has the CIA's illegal behavior been limited to senior al Qaeda militants. The agency has been responsible for interrogating suspects in both Afghanistan and Iraq, and it is believed to have held a number in secret detention facilities. According to official reports, the identities of several in Iraq were deliberately concealed from the Red Cross, a violation of the Geneva Conventions. At least two detainees have died while being interrogated by CIA personnel. One CIA contractor has been charged with assault by the Justice Department in the case of one of the deaths, and at least two other cases are reportedly under investigation. But no higher-ranking CIA officials have been held accountable for the abuses or the decisions that led to them, even though it is now known that former CIA director George J. Tenet was directly involved in the "ghost detainee" cases in Iraq.

The Pentagon and Congress are investigating the Army's handling of foreign detainees; though they are slow and inadequate, these probes contrast with the almost complete absence of scrutiny of the CIA's activity. This failure of oversight must be corrected. Though the United States is at war, it cannot be acceptable to hold enemy combatants indefinitely in secret prisons, with no external review or humanitarian oversight of any kind. Congress, or the courts, must step in to correct what appears to be a systematic violation of international law -- and fundamental American values.

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